

## INSTRUCTIONS

Read all forms and instructions before starting. Fill out forms by printing in blue ink or typing. Do not fill in un-numbered blanks on forms.

**Arizona Rules of Family Law Procedure:** The Arizona Rules of Family Law Procedure describe the procedures and forms required in family law cases. You can read the Rules at the Law Library or online at <[www.supreme.state.az.us/rules/ramd\\_pdf/R-05-0008.pdf](http://www.supreme.state.az.us/rules/ramd_pdf/R-05-0008.pdf)>.

**Notaries:** Some forms must be signed in front of a notary. Notaries are at most banks or listed in the Yellow Pages. The person signing must bring photo ID. Notaries usually charge a fee.

**Filing Forms with the Court:** Take or mail forms to be filed to the Clerk of Superior Court, 200 N. San Francisco St., Flagstaff, AZ 86001. Submit the original, one copy for yourself, and one copy for each person you must give a copy to, if any. The Clerk will stamp your copies with the filing date and return them to you. If you file by mail, include a self-addressed, stamped envelope and a note asking the Clerk to return the copies.

### STEP 1: FILL OUT THE MOTION TO SET

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) If your case is a divorce or legal separation, check the box.
- (3) Enter Petitioner's name as it appears on the Petition that started this case.
- (4) Enter Respondent's name as it appears on the Petition that started this case.
- (5) Enter the case number as it appears on the Petition that started this case.
- (6) Check the box indicating whether you are the Petitioner or the Respondent.
- (7) If Petitioner does not have an attorney, enter Petitioner's name and check the appropriate box. Then enter Petitioner's street address; city, state, and zip code; and phone number. If Petitioner has an attorney, enter the attorney's name and check the appropriate box. Then enter the attorney's street address; city, state, and zip code; and phone number.
- (8) If Respondent does not have an attorney, enter Respondent's name and check the appropriate box. Then enter Respondent's street address; city, state, and zip code; and phone number. If Respondent has an attorney, enter the attorney's name and check the appropriate box. Then enter the attorney's street address; city, state, and zip code; and phone number.
- (9) Check the appropriate boxes and fill in the blank, if applicable, indicating how long you think the trial will last.
- (10) If you and the other party disagree about custody, check the box.
- (11) Read the Motion and make sure that you understand everything in it and that everything in it is true. Date and sign.

### STEP 2: FILL OUT THE ORDER SETTING TRIAL

- (1) Enter your name; street address; city, state, and zip code; and phone number.
- (2) If your case is a divorce or legal separation, check the box.
- (3) Enter Petitioner's name as it appears on the Petition that started this case.

- (4) Enter Respondent's name as it appears on the Petition that started this case.
- (5) Enter the case number as it appears on the Petition that started this case.
- (6) Check the box indicating whether you are the Petitioner or the Respondent.

**STEP 3: FILE THE FOLLOWING WITH THE COURT**

- ☐ Motion to Set
- ☐ Order Setting Trial

**STEP 4: SERVE THE FORMS ON THE OTHER PARTY**

Mail or hand-deliver a copy of the forms you filed to the other party on the day you file them. If the other party has an attorney, deliver them to the attorney. Parties have longer to respond to forms that are mailed than to forms that are hand-delivered.

**STEP 5: THE COURT WILL MAIL YOU THE SIGNED ORDER WITH THE TRIAL DATE FILLED IN**

**STEP 6: GO TO THE TRIAL**

Bring any witnesses and three copies of any evidence that may support your case. Bring a copy of *every document* you filled out or filed with the court in your case, including the Petition and the Decree, Order, or Judgment. Be prepared to testify about why you think your requests should be granted.

As part of the trial, the judge may ask you a few questions, which may include the following:

1. If your fees were waived or deferred, can you pay them now? Why not?
2. Do you believe what you're asking for is fair? (custody, division of property, etc.)
3. In Divorce and Legal Separation Cases:
  - a. Had you or your spouse lived in Arizona, or had either of you been a member of the Armed Forces stationed in AZ, at least 90 days before the Petition was filed?
  - b. When and where were you married?
  - c. Is your marriage irretrievably broken? (This means: Is there any reasonable chance you can continue with the marriage?)
  - d. Are you aware of Conciliation Court? Do you think additional counseling could save your marriage?
  - e. Do you want your former name restored?

For general information about representing yourself in court, see the Self-Help Center packet *Representing Yourself in Court*.

**STEP 7: DELIVER TO THE OTHER PARTY EACH FORM THE COURT SIGNS**

**If you don't know the other party's whereabouts and the other party doesn't have an attorney:** Skip this step.

1. Mail or hand-deliver to the other party a copy of each form the court signs. If the other party has an attorney, deliver them to the attorney.
2. Fill Out the Affidavit of Delivery
  - (1) Enter your name; street address; city, state, and zip code; and phone number.
  - (2) Enter Petitioner's and Respondent's names and the case number as they appear on the Petition.
  - (3) Check the box indicating whether you are the Petitioner or the Respondent.
  - (4) Enter the date you delivered the forms the court signed to the other party. Enter the name of each form you delivered. Enter the address to which you mailed the forms.
  - (5) Check the box indicating whether you will mail or hand-deliver a copy of this document to the other party.
  - (6) Read the Affidavit and make sure that you understand everything in it and that everything in it is true. Sign in front of a notary.
3. File the Following with the Court
  - [ ] Affidavit of Delivery
4. Serve the Form on the Other Party

Mail or hand-deliver a copy of the form you filed to the other party on the day you file it. If the other party has an attorney, deliver it to the attorney.